IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTIETH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 7122 of 2005

Between:

Sri K. Rajendra, S/o. Akkulleppa chetty,
R/o. Nadimicherla Village, Kalakada Mandal, Chittoor District.

..... PETITIONER

AND

1 The District Collector, Chittoor District.
2 The Executive Engineers, Panchayat Raj, Madanapalli,

Chittoor District.
3 R. Raja Reddy, S/o. Ramalinga Reddy,
Nadimicherla, kalakada Mandal, Chittoor District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ order or directions more particularly one in the nature of Mandamus declaring the action of the 2nd respondent in not initiating any action against 3rd respondent by conducting any enquiry on the representation submitted by the petitioner herein dt. 3-6-2004 as illegal, arbitrary and consequently direct the 2nd respondent to initiate legal action against the 3rd respondent and dispose of the same in accordance with law by conducting an enquiry on the representation dated 3-6-2004submitted by the petitioner and pass such other order or orders as this Hon'ble Court may deem fit and proper in the interest of justice.

Counsel for the Petitioner: MR.S.S.BHATT

Counsel for the Respondents: GP FOR REVENUE AND G.P FOR PANCHAYAT RAJ AND RURAL DEVELOPMENT

The Court at the admission stage made the following :

THE HON'BLE MS. JUSTICE G.ROHINI

WRIT PETITION NO.7122 OF 2005

ORDER :

This writ petition is filed seeking a declaration that the action of the second respondent – Executive Engineer, Panchayat Raj, Madanapalle, Chittoor District, in not initiating any action against the third respondent by conducting enquiry on the representation of the petitioner dated 3-6-2004 is arbitrary and illegal.

The petitioner states that one Ramalinga Reddy donated the land to an extent of Ac.0-28 cents situated in Sy.No.185/2 at Nadimicherla village, Vayalpad Mandal, Chittoor District for the purpose of construction of Veterinary Hospital. Thereafter, a Veterinary Hospital was constructed by the Government in the said land. Subsequently, the Government sanctioned Rs.2 lakhs for the purpose of construction of compound wall for the said hospital and work order was issued to the committee of members headed by the third respondent, the Sarpanch of the Gram Panchayat. It is alleged that the third respondent who is no other than the son of Sri Ramalinga Reddy, the donor of the land, deliberately usurped a part of the land donated by his father and got it merged into his own land situated just adjacent to it. It is alleged that he has been proceeding with the construction of the compound wall by taking wrong measurements of the land in question and therefore the petitioner made a representation dated 3-6-2004 requesting the second respondent to enquire

into the matter and to initiate appropriate action against the third respondent. However, he failed to respond. Hence, this writ petition.

Heard the learned Counsel for the petitioner and the learned Government Pleader appearing for the respondents.

The learned Government Pleader for Panchayat Raj and Rural Development, under instructions, states that the alignment of the compound wall is slightly changed during execution due to the presence of sheet rock in N.E. direction, but not with any other intention. It is also reported that during local enquiry, it was revealed that the site pertaining to poramboke land on Southern side is also utilised partly for construction of compound wall keeping in view the Veterinary requirements. It is also stated that for verification of the existing compound wall with reference to the survey numbers and FMB., the Mandal Revenue Officer was requested to depute the Mandal Surveyor at the earliest to ascertain the actual boundaries of the donated land.

In view of what has been stated by the learned Government Pleader, it is clear that necessary steps have already been initiated by the second respondent to ascertain as to whether the compound wall of the hospital is being constructed in the land donated by Sri L.Ramalinga Reddy or whether there are any deviations. Hence, no further adjudication is necessary in this writ petition.

Accordingly, the Writ Petition is disposed of leaving it open to the respondents 1 and 2 to proceed with the enquiry and to take necessary action in accordance with law. No costs.

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20th April, 2005.

Note:- CC in a week.

(B/O)

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To

1 The District Collector, Chittoor District.
2 The Executive Engineers, Panchayat Raj, Madanapalli,

Chittoor District.
3 Two CCs to the G.P for Revenue, High Court of A.P., Hyderabad(O.U.T).

4 Two CCs to the G.P for Panchayat Raj and Rural Development, High Court of A.P., Hyderabad(O.U.T).

5 2 CD copies.